

UNITED STATES DISTRICT COURT SOUTHERN  
DISTRICT OF NEW YORK

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DINO ANTOLINI,

Plaintiff,

Case No.: 1:19-cv-09038

-against-

AMY MCCLOSKEY, THERESA LAURENT,  
DIMUR ENTERPRISES INC., EDDIE C K  
CHUNG and C&S MILLENIUM REAL  
ESTATE LLC,

Defendants.

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DECLARATION OF DINO ANTOLINI

Pursuant to 28 U.S.C. § 1746 and S.D.N.Y. Local Rule 1.9(a), DINO ANTOLINI makes this Declaration as follows:

- 1) I am the Plaintiff in this case and my attorney is Stuart Finkelstein. He and I have been the target of Magistrate Stewart Aaron since he was assigned to my case and he should recuse himself or be disqualified because of his bias, animosity and prejudice against both of us. He has unlawfully prejudged us and predetermined the outcome of this case with his out of bounds behavior.
- 2) My lawyer has told me that there is a duty of an attorney to bring a motion for disqualification if the conduct warrants. Not only does this situation warrant, but rather it demands it. He told me that the law says that "Parties and their counsel are entitled to question the impartiality of Judges before whom they appear and that Judges have a professional responsibility not to take such challenges personally". I am writing in support of my motion to have the Magistrate recused.
- 3) The Magistrate has threatened on numerous occasions to dismiss my case and to pay attorney fees simply because of his disdain for me and my lawyer. This Court has repeatedly violated the fundamental constitutional rights guaranteed to every citizen by the United States Constitution to file a complaint in a Court of law.

4) He has incited, condoned, engendered and instigated the defense lawyer in my case to abuse, humiliate, harass, embarrass and threaten me. This case is about a bar/lounge restaurant in the West Village that has been and continues to discriminate against handicapped people such as myself by violating federal law. He doesn't care about the lawsuit as he refuses to allow my lawyer to get ANY discovery from the two defendants, for over seven months, who own the Subject Facility and it continues to date. Instead, he puts up as many obstacles as he can to prevent the lawsuit from proceeding instead of performing his duties. It is very apparent that his priority is about going after me and my lawyer. Without justification he has questioned me on **three separate occasions**, in a condensing, insulting and adversarial manner, which is beyond belief. Even after I had two conferences with him, one of them virtual, asked me at the third conference how I communicate with Mr. Finkelstein! He has no right to do that. He is obligated in his judicial capacity to treat the litigants and lawyers fairly, as well as overseeing discovery, not preventing it. Among his other transgressions he has granted multiple long-term extensions of time for the defendants to conduct discovery, but for me, he has downright prevented it. At the telephonic conference held on August 4, 2021 he actually had the guile to blame my lawyer for not allowing any discovery of the defendants. I implore a reading of the transcript and welcome anyone to look at the record in this case to see his outrageous behavior.

5) This Magistrate Judge not only permitted, but ordered me to provide medical records regarding any ***Alcohol/Drug Treatment, Mental Health Information and HIV-Related Information*** to the tenants of the Subject Facility that I am suing for violation of the Americans With Disabilities Act! That, plus **ordering me to turn over my medical records from birth**. This makes me sick to my stomach. Incredibly, all this in spite of them already in possession of my medical records confirming my disabilities that my lawyer alleged in the complaint. With my medical records in hand, defendants' lawyer went on a rampage in his crusade to vilify me. There is simply no reason this man should be in a position to hurt people with the powers of being a Judge. His rulings, without any support of law or merit, but instead with bias, prejudice,

and discrimination must come to a screeching halt. How much more proof is needed to show that this man has no business being the Judge on my case, and even more so, why should the citizens of New York have someone like this to inflict his behavior on them.

6) A reading of the transcript of my deposition held on April 19<sup>th</sup>, 2021 shows the sickening abuse I was put through. Because of the medical records that this Magistrate ordered be turned over, I sat through four hours of a dysfunctional, sadistic behaving defense lawyer ridiculing, embarrassing and abusing me with his demeaning questioning. As if things couldn't get worse, when Mr. Finkelstein made the motion to terminate a further deposition, or at least ask for restrictions on the questioning of me, this Magistrate did nothing of the sort. **Not only did he say nothing of the humiliation I went through, he has done nothing to end the sickness, and ordered that a further deposition of me be taken, with no restrictions on this lawyer.** *He didn't even say that the questions couldn't be asked again!* What kind of Judge is this? This of course now means this enabled lawyer will continue to humiliate me and to rehash the previous four hours of questions. It will lead to calling the Judge during the deposition, but the problem is at the last deposition he refused to take any further calls (two calls were made by the defendants' lawyer) and said because Mr. Finkelstein objected (to the insane sick questions) he will pay significant money sanctions and will in the future if my lawyer objects to the depraved questioning.

7) His continuing violations of the Rules of Professional Conduct and Judicial Canons of Ethics needs to come to an end. As long as this Magistrate is on my case he will continue to punish me and my lawyer with his non-judicial behavior and this facility will continue to discriminate against me and the handicapped people of New York.

8) Magistrate Judge Aaron must immediately recuse himself from the case.

Executed on August 23<sup>rd</sup> 2021



DINO ANTOLINI